REMARKS

This Amendment is filed in response to the Office action dated December 6, 2007. All objections and rejections are respectfully traversed.

Claims 1-26 are pending in this case.

Claims 1, 3, 6-7, 9-10, 14, 16 and 20 have been amended to better claim the invention.

Claims 21-23 have been cancelled without prejudice.

Claims 24-26 have been added to better claim the invention.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-2500.

Election/Restriction

At paragraphs 1-5 of the Office Action the Examiner issued a restriction as to claims 1-20 or claims 21-23. Applicant has cancelled claims 21-23 and elects to prosecute claims 1-20.

Double Patenting

At paragraphs 6 and 7 of the Office Action, various claims were rejected under the judicially created doctrine of double patenting in view of U.S. Patent No. 7,269,696. The terminal disclaimer filed herewith is believed to satisfy this rejection.

Claim Rejection – 35 USC §102

At paragraphs 8-15 of the Office Action, claims 1-3, 6, 12-17, and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Becker-Szendy et al., U. S. Patent No. 7,243,089, issued on July 10, 2007 (hereinafter "Becker-Szendy"). Applicant respectfully notes that the amendment to the claims is fully supported by the Specification at page 30, lines 20-28.

Applicant's claimed invention, as set forth by independent claim 1, comprises in part:

> 1. A system comprising:
> ***a plurality of network resources adapted to process received block-based protocol data access requests; and***
> ***one or more virtual servers each comprising a logical partitioning of the network resources to establish an instance of a multi-protocol server configured to service the block-based data access requests by converting the block-based protocol requests to appropriate file system data requests.***

Becker-Szendy discloses a system and method for making data available to various clients by making the data on-line to each client. (See Becker-Szendy, Col. 2, Lines 52-54). More specifically, Hosts have access to storage devices such as block disks and

an object storage server via a storage area network. (See Becker-Szendy, Col. 7, Lines 14-16).

Applicant respectfully submits that Becker-Szendy fails to teach or disclose Applicant's claimed novel

> ***one or more virtual servers each comprising a logical partitioning of the network resources to establish an instance of a multi-protocol server configured to service the block-based data access requests by converting the block-based protocol requests to appropriate file system data requests.***

More particularly, Applicant respectfully submits that Becker-Szendy fails to teach or disclose Applicant's claimed novel

> ***. . . converting the block-based protocol requests to appropriate file system data requests.***

At page 6, paragraph 10 of the Office Action, the Examiner urged that Becker-Szendy discloses Applicant's claimed novel invention at Col. 1, Lines 1-20 and Col. 3, Lines 50-67. Applicant respectfully disagrees.

Specifically, at Col. 1, Lines 1-20, Becker-Szendy states:

> "the invention pertains to a method for federating and optionally migrating data using virtual servers and a federating file system on the existing computer system."

Moreover, at Col. 3, Lines 50-67, Becker-Szendy states:

> "The present system create a virtual objection storage server on top of the local file system to make the local file system appears as a both storage tank node and an object based storage server to a storage tank system. Data accesses go through the virtual object storage server, and not through the virtual storage tank server...Storage tank uses the object storage server interface to access the local file system. After the local file system is exposed through the storage tank file system, data may be left on-line and

> stored in the local file system or migrated to a new storage device through storage tank tools..."

Applicant respectfully notes that Becker-Szendy does not, in text cited by the Examiner, mention or teach Applicant's claimed novel ***converting the block-based protocol requests to appropriate file system data requests.*** Moreover, Applicant respectfully notes that the term "block-based protocol" only appears twice in the Becker-Szendy patent. In both instances, Becker-Szendy **does not** disclose converting the block-based protocol request to file system data requests.

Instead, Applicant respectfully submits that Becker-Szendy merely discloses a system and method that utilizes two separate and distinct storage medians, block disks and object based, within its storage area network. Specifically, Becker-Szendy states "Hosts 305 have access to storage devices 340 such as the block disks 345 and an object storage server 350 via a storage area network." (See Becker-Szendy, Col. 7, Lines 14-16). That is, Becker-Szendy NEVER discloses a system or method that coverts a block-based protocol request to a file-system data request.

Applicant respectfully submits that Becker-Szendy is completely silent with respect to Applicant's claimed novel

> . . . ***converting the block-based protocol requests to appropriate file system data requests.***

Accordingly, Applicant respectfully submits that Becker-Szendy is legally insufficient to render the presently claimed invention unpatentable under 35 U.S.C. 102(e) because of the absence in Becker-Szendy of Applicant's claimed novel ***converting the block-based protocol request to appropriate file system data structures.***

Claim Rejection – 35 USC §103

At paragraphs 16-18 of the Office Action, claims 4-5 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Becker-Szendy in view of Mane et al., U.S. Patent Publication No. 20050050107 (hereinafter "Mane"). Applicant respectfully notes that claims 4-5 and 18-19 are dependent claims that depend from independent claims that are believed to be in condition for allowance. Accordingly, claims 4-5 and 18-19 are believed to be in condition for allowance.

At paragraphs 19-22 of the Office Action, claims 7-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Becker-Szendy in view of George et al., U.S. Patent No. 7,010,663, issued March 7, 2006 (hereinafter "George"). Applicant respectfully notes that claims 7-11 are dependent claims that depend from independent claims that are believed to be in condition for allowance. Accordingly, claims 7-11 are believed to be in condition for allowance.

NEW CLAIMS

The new claims are fully supported by the Specification at page 30, Line 3 to Page 31, Line 8.

Applicant's claimed invention, as set forth by independent claim 24, comprises in part:

> 24. (New) A method, comprising:
> ***receiving a block-based data access request from a client;***
> ***forwarding the request to a virtual server;***

converting the received block-based data access request to a file system data access request;
servicing the file system data access request to generate a response; and
forwarding the generated response to the client.

Applicant respectfully submits that for the same reasons asserted under the 102 analysis, Becker-Szendy fails to teach or suggest Applicant's claimed novel ***converting the received block-based data access request to a file system data access request.***

Accordingly, Applicant respectfully submits that Becker-Szendy is legally insufficient to render the presently claimed invention unpatentable under 35 U.S.C. 102(e) because of the absence in Becker-Szendy of Applicant's claimed novel ***converting the received block-based data access request to a file system data access request.***

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/A. Sidney Johnston/

A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500